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Attorneys for Defendants SDI Technologies, Inc and Aharon Ashkenazi

UNITED STATES DISTRICT COURT

CLARK COUNTY, NEVADA

JENA FOLEY,

Plaintiffs,

v.

AHARON ASHKENAZI, an individual; SDI
TECHNOLOGIES INC., a foreign corporation;
ENTERPRISE RENT-A-CAR COMPANY OF
LOS ANGELES, LLC dba ENTERPRISE RENT-
A-CAR, a foreign limited-liability company;
DOES I through X; and ROE CORPORATIONS
XI through XX, inclusive,

Defendants.

CASE NO.: 2:19-cv-01829-RFB-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY (THIRD
REQUEST)**

Defendants AHARON ASHKENAZI and SDI TECHNOLOGIES, INC., by its attorneys
of record, the LAW OFFICES OF GARY P. SINKELDAM, APC and Plaintiff, JENA FOLEY,
by and through her attorneys of record, BRIAN E. LUNT, ESQ., of EDWARD M. BERSTEIN &
ASSOCIATES, collectively and pursuant to Local Rule 26-3, stipulate to modify their discovery
plan as follows:

1. Plaintiff filed her Complaint in the Eighth Judicial District Court for Clark

1 County, Nevada on September 25, 2019. Defendant removed the action to this Court on October
2 21, 2019 (ECF No. 1).

3 2. The Parties held their F.R.C.P. 26 conference on December 4, 2019 and filed their
4 initial Joint Discovery Plan and Scheduling Order in compliance with F.R.C.P. 26(f) and LR 26-1
5 on December 18, 2019 (ECF No. 15).

6 3. The Parties stipulated to continue their Joint Discovery Plan in order to
7 accommodate some delays due to the Plaintiff's fusion surgery and ongoing medical treatment
8 which Plaintiff alleges are a result of the subject collision, and agreed to a 90-day extension of the
9 original discovery dates. This Court approved and ordered the below schedule of discovery
10 effective February 11, 2020 (ECF No. 18):
11

12 Last Day of Discovery: August 31, 2020

13 Last day to amend/add: June 1, 2020

14 Initial expert disclosure: June 1, 2020

15 Joint interim status report: July 2, 2020

16 Rebuttal expert disclosure: July 1, 2020

17 Dispositive Motions filed: September 29, 2020

18 Joint pre-trial order: October 30, 2020

19 4. The Parties stipulated to continue their Joint Discovery Plan due to delays that
20 occurred with the mandated COVID-19 restrictions. This Court approved and ordered the below
21 schedule of discovery effective May 15, 2020 (ECF No. 23):
22

23 Last Day of Discovery: December 29, 2020

24 Last day to amend/add: September 29, 2020

25 Initial expert disclosure: September 29, 2020

26 Joint interim status report: October 29, 2020
27
28

Rebuttal expert disclosure: October 30, 2020

Dispositive Motions filed: January 27, 2021

Joint pre-trial order: March 1, 2021

5. In compliance with Local Rule 26-3, the parties provide the following information regarding the discovery status:

- a. Discovery Completed: The parties have exchanged initial disclosures of witnesses and documents, have supplemented disclosures and have served written discovery. An IME of the Plaintiff was conducted, and this report has already been produced. The parties have conducted the depositions of Plaintiff Jena Foley and Defendant Aharon Ashkenazi.
- b. Discovery that remains to be completed: The parties have agreed to schedule a mediation on October 13 with Hon. Stewart L. Bell (Ret.). Additionally, the parties intend to disclose necessary experts and to conduct written discovery and depositions regarding the same following the mediation as necessary.
- c. Reasons why discovery was not completed: The parties have operated in good faith to move this case forward in a timely manner, but request additional time in order to attempt mediation. From a cost-savings standpoint, alternate dispute resolution is desired prior to disclosure of experts and the taking of physician deposition. There is good cause for an additional ninety (90) day extension of the discovery deadlines due to the COVID-19 restrictions and the parties' agreement to participate in mediation. Further, Ms. Foley continues to treat and will be undergoing another MRI, which results the parties will need prior to mediation. Therefore, additional time is warranted to allow for the

necessary discovery in this matter.

- d. Proposed schedule for completion of remaining discovery (extension of remaining deadlines by approximately 90 days):

Last Day of Discovery: March 29, 2021

Last day to amend/add: December 29, 2020

Initial expert disclosures: December 29, 2020

~~Joint interim status report: January 29, 2021~~

Rebuttal Expert Disclosure: January 29, 2021

Dispositive Motions filed: April 27, 2021

Joint pre-trial order: June 1, 2021

SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD

DATED this _ day of August, 2020

DATED this 19th day of August, 2020

EDWARD M. BERSTEIN & ASSOC.

LAW OFFICE OF GARY P. SINKELDAM, APC.

/s/Brian E. Lunt

Brian E. Lunt, Esq.
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Attorney for Plaintiff

/s/ Amy R. Lancaster

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Attorney for Defendants

ORDER

****NOTE - The Local Rules as amended on 4/17/2020 eliminated former Local Rule 26-3's requirement for Interim Status Reports. Therefore, the parties are not required to submit an Interim Status Report. The parties are directed to review the revised local rules for further changes.****



Daniel J. Albregts
UNITED STATES MAGISTRATE JUDGE

DATED: August 25, 2020

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ATTACH A – AUTHORIZATION FOR ELECTRONIC SIGNATURE

1 From: Brian Lunt [mailto:blunt@edbernstein.com]
2 Sent: Monday, August 24, 2020 10:59 AM
3 To: Amy R. Lancaster
4 Cc: Alicia Lutz; Sherry A. Orona
5 Subject: RE: Foley

6 Amy,

7 Thank you for sending this over. This looks good. You have my permission to use my electronic
8 signature.

9 Sincerely,

10 Brian E. Lunt
11 Senior Associate Attorney
12 Edward M. Bernstein & Associates
13 Main: 702-240-0000
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